

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1712

Clayton S. Creek,

Appellant,

v.

South Dakota Department of
Corrections; South Dakota State
Penitentiary,

Appellees.

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Appeal from the United States
District Court for the
District of South Dakota.

[UNPUBLISHED]

Submitted: April 26, 2002
Filed: May 3, 2002

Before BOWMAN, BRIGHT, and LOKEN, Circuit Judges.

PER CURIAM.

South Dakota inmate Clayton S. Creek appeals the district court's¹ 28 U.S.C. §§ 1915(e)(2)(B) and 1915A dismissal without prejudice of his 42 U.S.C. § 1983 action. Having carefully reviewed the record, we agree with the district court that the only named defendants—the South Dakota Department of Corrections and the South Dakota State Penitentiary—are entitled to Eleventh Amendment immunity from

¹The Honorable John B. Jones, United States District Judge for the District of South Dakota.

Creek's suit. See P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 144 (1993).

Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B. We also deny the pending motion.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.